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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,202

06/25/2008

Ewald Hagen

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535 7590 02/15/2011

KF ROSS PC  
5683 RIVERDALE AVENUE  
SUITE 203 BOX 900  
BRONX, NY 10471-0900

EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT

PAPER NUMBER

3725

NOTIFICATION DATE

DELIVERY MODE

02/15/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

EMAIL@KFRPC.COM  
ereyes@kfrpc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,202	<b>Applicant(s)</b> HAGEN ET AL.	
	<b>Examiner</b> EDWARD TOLAN	<b>Art Unit</b> 3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7-14-2006</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, Applicant has claimed pumps (11) in line 8 and set forth pumps 11 in the specification (page 5, line 20) and illustrated pump 11 (page 5, line 22). The drawing shows a single pump (11). Are there supposed to be multiple pumps or a single pump?

Claim 1 recites the limitations "the position" in line 1, "the extrusion die" in line 6, "the extrusion speed" line 9, "the previously computed pump conveying volume" in line 10, "the front ring compartment" in line 11 and "the position" in line 13. There is insufficient antecedent basis for these limitations in the claim.

Claim 2 recites the limitation "the outlet pressure" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the pressure levels" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Robra (3,180,124). Robra discloses a method for controlling a position (col. 4, lines 29-30) of a piercing mandrel (11) that it mounted in a hydraulic extrusion apparatus (1) comprising a cylinder (16) and a piston (15) that form a piercing cylinder for extruding pipes from a billet that are loaded into a holder (4) mounted upstream from a die (3). The piercing cylinder is directly driven by a pump (26) that is adjusted to a defined pumping volume (through valves 51,57 extracting fluid from tank 25) as a function of an extrusion speed necessary to position the piercing mandrel (11) next to the die and to then provide high pressure force to pierce the billet (col. 3, lines 53-65). A further pumping volume (col. 4, lines 24-50) is added to the previous pumping volume for piercing from the tank (25) and a control valve (56) acting on a front ring compartment (13) of the piercing cylinder is connected to a sump (drain 32) for the purpose of controlling a position of the mandrel in order to prevent mandrel breakage (col. 4, lines 28-30). An outlet pressure of the piercing cylinder is adjusted to a defined pressure by throttling valve (56). A pressure level in the cylinder is monitored by a pressure gauge (60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petsch (3,709,013) in view of Fuchs, Jr. (3,950,979). Petsch discloses a method for controlling a position (col. 6, lines 8-19) of a piercing mandrel (15) that it mounted in a hydraulic extrusion apparatus (1) comprising a cylinder (col. 3, line 49), having pressure levels in both sides of the piercing cylinder (13a,13b), and a piston (13) that form a piercing cylinder for extruding pipes from a billet that is loaded into a holder (7) mounted upstream from a die (8). The piercing cylinder is directly driven by a pump (16) that is adjusted to a defined pumping volume from a tank (17). An excess fluid release valve (18) and control (19) is actuated to drive the piercing piston forwards or backwards. A valve (20) is opened to allow a further pumping volume to be passed from the pump (16) through lines (23,26) in order to act on a front ring compartment (13b) for controlling a position of the mandrel. Petsch discloses that the further pumping volume is returned to the tank (17) by return lines (24,25). Petsch does not disclose that the control valve for the further pumping volume is connected to a sump. Fuchs teaches (col. 3, lines 65-68 and col. 4, lines 1-5) that it is known to provide adjustment cylinders

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(27) having pistons (28) and fluid conduits (29,30) that are connected to a source of pressurized fluid (read by Examiner as pump) and a sump and that the piston is moved from one end of the cylinder (27) to another depending upon the connection to the source or sump. It would have been obvious to one skilled in the art at the time of invention to connect the return lines of Petsch to a sump as taught by Fuchs in order to provide a drain for the further pumping volume.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD TOLAN whose telephone number is (571)272-4525. The examiner can normally be reached on M-F.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Tolan/  
Primary Examiner, Art Unit 3725